

**CALIFORNIA ENVIRONMENTAL  
PROTECTION AGENCY**

**A Report to the Governor and Legislature  
on Actions Taken in 2003 to Implement  
Government Code Section 12812.2**

**May 2005**

**CAL/EPA ENFORCEMENT PROGRAM UPDATE**  
**A Report to the Governor and the Legislature on Actions**  
**Taken in 2003 to Implement Government Code Section 12812.2**

Government Code Section 12812.2 defines the duties of the California Environmental Protection Agency (Cal/EPA) Deputy Secretary for Law Enforcement and Counsel as follows:

- 1) Develop a program to ensure that Cal/EPA, its entities, and local government take consistent, effective, and coordinated enforcement actions. The program shall include training and cross training of inspection personnel to ensure consistent, effective, and coordinated enforcement.
- 2) Establish a cross media enforcement unit to assist Cal/EPA, its entities, and local government to investigate and prepare matters for enforcement action.
- 3) Refer violations of environmental law or regulation to outside prosecutors such as the Attorney General or District Attorney.

As required by subsection (c), this report provides an update on actions taken during 2004 by the Cal/EPA Office of the Secretary to implement this section.

**Enforcement Training**

Cal/EPA took several steps to lower costs, improve efficiencies and seek alternative sources of funding for environmental enforcement training programs. Cal/EPA was able to fund several of these training events using money from the settlement of an enforcement action specifically designated for that use (referred to as "enforcement scholarships").

During 2004, delivery of the Cal/EPA Inspector Certification Program continued. The Cal/EPA Inspector Certification Program consists of three components: The Cal/EPA Basic Inspector Academy, the Cal/EPA Cross Media Enforcement Symposium, and a clearinghouse for cross media inspector training. Each of these components is discussed in detail below.

**1) The Cal/EPA Basic Inspector Academy.** This two-week training course consists of multiple modules including: report writing, sampling, field safety, inspection techniques, and an overview of California environmental laws and agencies. The Academy provides baseline knowledge and works in conjunction with existing media-specific training to prepare tribal, state, and local environmental regulatory field staff to conduct efficient and professional inspections. In 2003, a total of 91 inspection personnel completed the Academy which was offered in both Northern and Southern California.

The Academy will be offered three times in 2004. To reduce delivery costs, the Academy was reduced from a two-week course to a one-week course and registration fees have been added. Additional delivery options such as online learning modules are being explored and developed.

**2) The Cal/EPA Cross Media Enforcement Symposium.** This annual four-day training event is open to government, industry, and members of the public. Training sessions cover enforcement programs specific to each of Cal/EPA's boards and departments and their local counterparts. Mock administrative, civil, and criminal proceedings are presented. The Symposium is the continuing education and Commission on Peace Officer Standards and Training (POST) certified component of Cal/EPA's enforcement training program and provides up-to-date information on cross media environmental enforcement issues. A total of 221 individuals attended the Symposium in 2003. Using enforcement scholarships, Cal/EPA paid for all speaker travel costs and for registration and travel costs for 59 enforcement staff from state, local, and tribal environmental regulatory programs.

**3) The 5th Annual Unified Program/Underground Storage Tank Conference.** The Unified Program (CUPA) consolidates permits, inspections, and enforcement activities for six hazardous materials, hazardous waste and emergency management programs. Cal/EPA coordinated the development of enforcement training at the 6<sup>th</sup> Annual Unified Program/Underground Storage Tank Conference held February 3-6, 2004 in Santa Clara California. This conference presented over 60 technical sessions on updates and included a dedicated enforcement "track" of sessions. Cal/EPA awarded 30 enforcement training scholarships to local CUPA staff and paid for travel costs for 5 speakers on enforcement subjects.

**4) Training Information Clearinghouse Web Site.** The Clearinghouse ([www.calepa.ca.gov/Enforcement/Training/Clearinghouse](http://www.calepa.ca.gov/Enforcement/Training/Clearinghouse)) provides one-stop shopping for environmental inspectors to find information on available training. The Clearinghouse is designed to facilitate consistent and effective training across environmental disciplines, encourage cross training, and help agencies share limited training resources.

**5) Specialized Enforcement Training.** Cal/EPA offered the following specialized enforcement training in 2003:

### **Case Coordination and Referral**

### **Data Management Improvement**

Cal/EPA has received grants from the U.S. EPA for its Integrated Data Environmental Assessment (IDEA) enforcement pilot project. The goal for this project is to remove barriers and share enforcement data among Cal/EPA's boards and departments. This will facilitate the identification of compliance trends and targeting of enforcement efforts. A model federal database entitled ECHO (Enforcement and Compliance History Online) (<http://www.epa.gov/echo/>) contains environmental regulatory information on facility sites, however, there is currently no equivalent State database.

For its pilot project, information from regulatory permits was selected to be the initial category of data to be exchanged. To achieve this, a network node is being developed to enable accessing data from various databases.

In 2003, the Boards, Departments and Office (BDOs) within Cal/EPA began uploading into their databases a unique facility identifier number, issued by U.S. EPA for sites under their jurisdiction. This step was necessary to begin testing of network node capabilities to access and view multi-media information of permitted sites. Each BDO within Cal/EPA will be able to view not only their own data on a specific site, but will be able to view data collected from other Cal/EPA entities. Future phases in the pilot project include incorporation of Sacramento County local agency data, a participant in this pilot project.

### **The Environmental Circuit Prosecutor Project**

The Environmental Circuit Prosecutor Project was established to fill a gap in the enforcement of environmental laws in California's small counties. During 2004, Cal/EPA continued to provide the majority of funding for the project.

### **Penal Code 14300 The Environmental Enforcement and Training Act**

This Act provides a method for the distribution of grant funds to the CDAA, the Environmental Circuit Prosecutor Project, and POST. Funding for the account comes from money designated for such use in state or federal court judgments in enforcement cases. These contributions are often referred to as Supplemental Environmental Projects or "SEPs". Private contributions may also be received. No General Fund money is used in this program.

The date of October 14, 2004 was chosen as the distribution date for 2004. As of the date \$837,965.14 was in the account which was distributed as follows:

- \$209,491.28 to the Environmental Circuit Prosecutor Project
- \$209,491.28 to the California District Attorneys Association
- \$100,000 to the Peace Officers Standards Training Commission
- Remainder, \$318,982.56 to Cal/EPA to be awarded as discretionary grants

### **Discretionary Grants Awards**

The Air Resources Board was awarded for \$10,000 for surveillance equipment.

The California District Attorneys Association requested funds to support the Circuit Prosecutor Project. These funds were needed as the Cal/EPA contract for the Project has been reduced from \$440,000 to \$300,000 and the Department of Fish and Game has ceased providing any funding. This request was approved in the amount of \$285,982.58.

The Riverside County Illegal Dumping Task Force received \$13,000 for enforcement training and surveillance equipment.

The District Attorney and City Attorney of San Diego was given \$10,000 for litigation support for on going investigations.

#### **Cal/EPA Cross Media Enforcement Unit**

Pursuant to a Memorandum of Understanding (MOU) between the ARB and Cal/EPA, investigative staff at ARB has been designated as Cal/EPA's cross media enforcement unit for purposes of Government Code section 12812.2. The Department of Toxic Substances Control also contributes to cross media enforcement efforts through its Criminal Investigations Branch and Taskforce Support and Special Investigations Branch. Other Cal/EPA BDOs contribute resources on an as-needed basis. In 2004, staff continued to investigate environmental enforcement cases.